

**COPY**

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 993**

T02-0046

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as "COMMISSION", the Illinois Central Railroad Company, hereinafter referred to as "COMPANY", Oskaloosa Road District, hereinafter referred to as "DISTRICT", Clay County, hereinafter referred to as "COUNTY", and the State of Illinois, Department of Transportation, hereinafter referred to as "DEPARTMENT".

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as TR 149 (1400N) located near Iola, Oskaloosa Road District, Clay County, Illinois, designated as crossing AAR/DOT 295 103P, milepost 7.48-U; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team including a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) The replacement of the existing grade separation structure carrying vehicular traffic over the tracks of the Illinois Central Railroad Company tracks, with a new structure as shown in Exhibit B.

Section 3 The COUNTY, on behalf of the DISTRICT, has prepared a preliminary estimate of cost to accomplish the proposed improvements, which it may be required to perform. Said estimate is attached as Exhibit B. The COUNTY shall upon Order, according to the requirements contained therein, prepare detailed drawings, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The COUNTY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be 60 days and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost for the improvements listed in Section 2, estimated to be \$595,000, shall be allocated 60% of the actual cost (not to exceed \$357,000) to the Grade Crossing Protection Fund, and 8% of the actual cost (not to exceed \$50,000) to the COMPANY. Any additional costs shall be borne by the COUNTY. The cost of future maintenance and operations shall be borne by the DISTRICT. (See Exhibit B)

Section 6 The COUNTY is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit C.

Section 7 Special Provisions:

The COUNTY shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the

Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the COUNTY employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24<sup>th</sup> month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 7 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

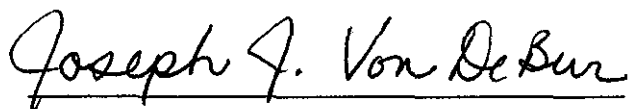
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 13<sup>th</sup> day of March, 2002.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Joseph J. VonDeBur,  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 993 concerning improvements at the TR149 grade crossing of the Illinois Central Railroad Company tracks near Iola, Oskaloosa Road District, Clay County, Illinois, designated as crossing AAR/DOT 295 103P, milepost 7.48-U.

Executed by the DEPARTMENT this 10<sup>th</sup> day of April 2002.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

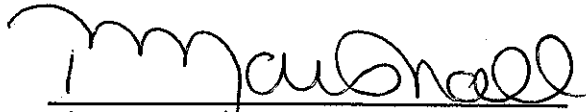
By:   
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 993 concerning improvements at the TR149 grade crossing of the Illinois Central Railroad Company tracks near Iola, Oskaloosa Road District, Clay County, Illinois, designated as crossing AAR/DOT 295 103P, milepost 7.48-U.

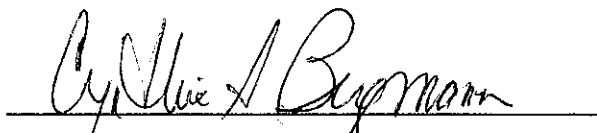
Executed by the COUNTY this 22<sup>nd</sup> day of March 2002.

ILLINOIS CENTRAL RAILROAD COMPANY

By:

  
Vice President

Attest:

  
Cynthia A. Bergmann  
Assistant Secretary

Illinois Commerce Commission Stipulated Agreement No. 993 concerning improvements at the TR149 grade crossing of the Illinois Central Railroad Company tracks near Iola, Oskaloosa Road District, Clay County, Illinois, designated as crossing AAR/DOT 295 103P, milepost 7.48-U.

Executed by the DISTRICT this 20 day of March 2002.

OSKALOOSA ROAD DISTRICT

By: Jesse Bonham

Attest:

Patty Edwards

Illinois Commerce Commission Stipulated Agreement No. 993 concerning improvements at the TR149 grade crossing of the Illinois Central Railroad Company tracks near Iola, Oskaloosa Road District, Clay County, Illinois, designated as crossing AAR/DOT 295 103P, milepost 7.48-U.

Executed by the COUNTY this 16 day of April 2002.

CLAY COUNTY

By: *Tomy Whitehead*

Attest:

*Shyllis Miller*

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM  
EXISTING HIGHWAY OVER RAILROAD

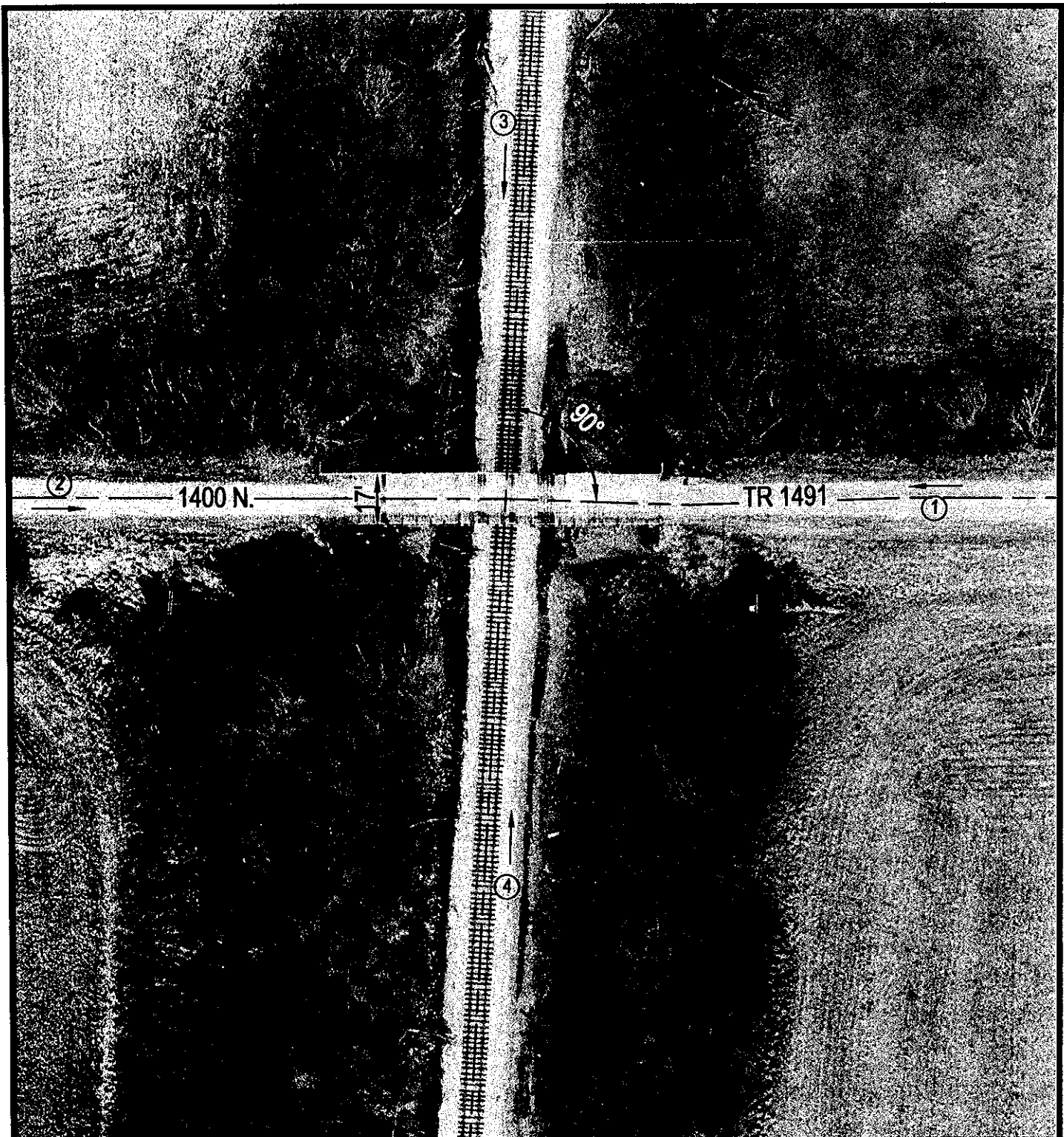
GENERAL INFORMATION:

RAILROAD Canadian National/Illinois Central Railroad Company (CNIC)  
MILEPOST-LINE 7.48-U INVENTORY NO. 295 103P  
CITY Near Iola STREET TR149/1400N COUNTY Clay  
ROADWAY JURISDICTION Oskaloosa Road District URBAN    RURAL X COMMERCIAL    RESIDENTIAL     
APPROACH SURFACE Unconsolidated WIDTH 22'-0" CONDITION Fair  
ADT 29 vehicles per day (1997) SPEED Not posted STATEWIDE Yes  
SCHOOL BUSES Unknown - Possibly HAZ MAT Unknown - Probably OTHER     
NUMBER AND TYPE OF TRACKS One main track  
RAIL TRAFFIC: FREIGHT 10 @ 50 MPH PASSENGER 0 @    SWITCH 0

STRUCTURE INFORMATION:

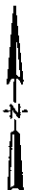
STRUCTURE NO. 013-9908 ANGLE 0° CONDITION Fair-Poor - See Master Structure Report (attached)  
PRESENT STRUCTURE TYPE 8 Span timber structure - See Master Structure Report (attached)  
NUMBER AND LENGTHS OF SPANS 8 spans - Lengths unknown, longest span 20 feet. Structure length = 115 feet.  
DATE STRUCTURE CONSTRUCTED 1909 DATE OF ALTERATIONS N/A  
ALTERATIONS None made  
DECK WIDTH 16 feet ROADWAY WIDTH 15.7 feet  
WALKWAYS None WEARING SURFACE Timber  
VERTICAL UNDERCLEARANCE 20'-8" HORIZONTAL CLEARANCE 9 feet  
APPROACH ROADWAY GRADES Unknown AVERAGE BRIDGE GRADE Unknown  
CREST ELEVATION Unknown LOAD LIMIT 12 Tons POSTED Yes  
APPROACH ROADWAY HORIZONTAL ALIGNMENT No existing horizontal curves in vicinity of bridge  
BRIDGE OVER CNIC RR BRIDGE MAINTENANCE RESPONSIBILITY Oskaloosa Road District (Township)

COMMENTS: The bridge will be reconstructed to accommodate an HS-20 load rating. See Master Structure Report (attached) for additional information.



Crossing #: 295103P  
 Location: Clay Co., City of Iola (N)  
 Lat/Long: 38°48'42" / 88°40'46"  
 Railroad: IC  
 Street: TR149/1400 N.  
 Railroad Milepost: 7.48-U  
 IDOT ID #: 0139908

4/24/11 295103P 295103P.DWG 03/05/01 10:46 HMM



③ Photo Location

Illinois Department of Transportation  
Structures Information Management System  
Master Structure Report (S-107)

Date: 3/13/2002

Page 1

Structure Number: 013-9908

District: 7

Inventory Data

Facility Carried:	TR-149	Bridge Name:	T4N R5E SEC 7	Sufficiency Rating:	22.2	Structure Length:	115.0	
Feature Crossed:	ICG RR	Location:	3 MI SW IOLA	HBRRP Eligible:	Yes	AASHTO Bridge Length:	99.9	
Bridge Remarks:				Replaced By:	000-0000	Length of Long Span:	20.0	
Bridge Status:	2 OPEN - LOAD POSTED	Status Date:	04/1988	Replaces:	000-0000	Bridge Roadway Width:	15.7	
Status Remarks:				Last Update Date:	01/25/2002	Appr Roadway Width:	22.0	
Maint County:	013 CLAY	Maint Township:	08 OSKALOOSA	Parallel Structure:	None	Deck Width:	16.0	
Maint Responsibility:	06 RAILROAD			Multi-Level Structure Nbr:		Sidewalk Width Right:	0.0	
Service On/Under:	1 HIGHWAY	/	2 RAILROAD	Skew Direction:	None	Sidewalk Width Left:	0.0	
Reporting Agency:	2 I.D.O.T. - BUREAU OF LOCAL ROADS			Skew Angle:	00 D 00 M 00 S	Navigation Control:	N N/A	
Main Span Matl/Type:	7 TIMBER	/	02 STRINGER/MULTI-BEAM/GIRDER	Structure Flared:	No	Navigation Horiz Clear:	0	
Nbr Of Main Spans:	8	Nbr Of Approach Spans:	0	Historical Significance:	No	Navigation Vert Clear:	0	
***Approaches***				Border Bridge State:		Culvert Fill Depth:	0.0	
Near #1 Matl/Type:		/		Bdr State SN:		Number Culvert Cells:	0	
Near #2 Matl/Type:		/		Bdr State % Responsibility:	0	Culvert Opening Area:	0.0	
Far #1 Matl/Type:		/		Structural Steel Wt:	0	Culvert Cell Height:	0.00	
Far #2 Matl/Type:		/				Culvert Cell Width:	0.00	
Median Width/Type:	0 Ft. / 0 None			Rated By:	2 IDOT	Rate Method:	2 ALLOWABLE STRESS	
Guardrail Type L/R:	0 None / 0 None	Inventory Rating:	5.7 (210)	Load Rating Date:	10/15/1997	***Railroad Crossing Info***		
Toll Facility Indicator:	0 No Toll	Operating Rating:	8.4 (215)	Crossing 1 Nbr:				295103P
Latitude:	38 D 33 M 44.65 S	Longitude:	82 D 24 M 23.86 S	Design Load:	99 UNKNOWN	Crossing 1 Nbr:		
Deck Structure Type:	L TIMBER	Deck Structure Thickness:	4.0	RR Lateral Underclear:				09.0
Sidewalks Under Structure:	0 None	RR Vertical Underclear:						20 Ft 08 In

Key Route On Data

Key Route Nbr:	TOWNSHIP OR ROAD DISTRICT	0149	Station:	000.870
Appurtenances	Main Route	00.000	Segment:	
Inventory County:	013 CLAY	Linked:	Y	
Township/Road Dist	08 OSKALOOSA	Natl. Hwy System:	Not on NHS	
Municipality	0000	Inventory Direction:		
Urban Area:	None	Curr AADT Yr/Count:	1997 / 29	
Functional Class:	60 LOCAL ROAD, (NON-URBAN)	Est Truck Percentage:	0	
** CLEARANCES **	South/East	North/West	Number Of Lanes:	1
Max Rdwy Width:	015.7	One Or Two Way:	3 1LN2WAY	
Horizontal:	015.7	Bypass Length:	4	
Min Vertical:	99 Ft 11 In	Future AADT Yr/Cnt:	2018 / 75	
10 Ft Vertical:	99 Ft 11 In	Designated Truck Rte:	NONE	
Lateral:		Special Systems:	No	

\*\*\* Marked Route On Data \*\*\*

Route #	Designation	Kind	Number
Route #1:	1 Mainline	4 FAS, CH, or TR's Unmarked	0149
Route #2:			
Route #3:			

Key Route Under Data

Station:	
Segment:	
Linked:	
Natl. Hwy System:	
Inventory Direction:	
Curr AADT Yr/Count:	/
Est Truck Percentage:	
Number Of Lanes:	
One Or Two Way:	
Bypass Length:	
Future AADT Yr/Cnt:	/
Designated Truck Rte:	
Special Systems:	

\*\*\* Marked Route Under Data \*\*\*

Route #	Designation	Kind	Number

EXHIBIT A, Page 3

Illinois Department of Transportation  
Structures Information Management System  
Master Structure Report (S-107)

Date: 3/13/2002

Page 2

Structure Number: 013-9908

District: 7

Data Related to Inspection Information

\*\*\*Inspection Intervals\*\*\*

Routine NBIS: 24 MOS Underwater: 0 MOS  
Fracture Critical: 0 MOS Special: 0 MOS

\*\*\* Maximum Allowable Posting Limits \*\*\*

One Truck At A Time: 16 Tons  
Single Unit Vehicles: 12 Tons  
Combination Type 3S-1: 16 Tons  
Combination Type 3S-2: 20 Tons

Bridge Posting Level:

0 >= 40% Below Legal Loads

Inspection/Appraisal Information

Inspection Date: 01/11/2002 Special Inspection Date:  
Deck: 5 FAIR CONDITION - MINOR SECTION LOSS, CRACKS  
Superstructure: 5 FAIR CONDITION - MINOR SECTION LOSS, CRACKS  
Substructure: 3 SERIOUS CONDITION - SIGNIFICANT SECTION LOSS  
Culvert: N NOT APPLICABLE  
Channel and Protection: N NOT APPLICABLE  
Structural Evaluation: 2 INTOLERABLE - HIGH PRIORITY FOR REPLACEMENT  
Deck Geometry: 8 EQUAL TO PRESENT DESIRABLE CRITERIA  
Underclearance-Vert/Lat.: 4 MINIMUM ADEQUACY TO BE LEFT IN PLACE  
Waterway Adequacy: N NOT APPLICABLE  
Approach Roadway Align: 4 MINIMUM ADEQUACY TO BE LEFT IN PLACE  
Bridge Railing Appraisal: 2 Doesn't Meet Standards  
Approach Guardrail: 111 Does Not Exist Does Not Exist Does Not Exist  
Pier Navig Protection: N N/A

Inspection Temperature: 40 Deg. F

\*\* Actual Posted Limits \*\*

Insp by (Name): G. PORTER 1  
Utilities Attached: N N/A  
N N/A  
N N/A  
Single Unit Vehicles: 12 Tons  
Combination Type 3S-1: 12 Tons  
Combination Type 3S-2: 12 Tons  
One Truck At A Time:

Deck Wearing Surf: J TIMBER OR T. RUNNRS  
Deck Membrane: F NONE  
Deck Protection: J NONE  
Total Deck Thick: 04.0  
Last Paint Date:  
Inspection Remarks:

Last Paint Type:

Underwater Inspection/Appraisal Information

Inspection Date: Inspection Category:  
Temperature: Inspection Method:  
Inspected By: Appraisal Rating:  
Inspection Remarks:

Scour Critical Information

Rating: Evaluation Method:  
Analysis Date: Analysis By:

Miscellaneous

Fracture Critical Members: No  
Microfilm Data Recorded: No

Construction Information

Year: 1909 Original Reconstructed  
Route: Sta: Sta:  
Section Nbr:  
Contract Nbr:  
Fed Aid Pr #:  
Built By: 0 UNKNOWN

Waterway Information

Flood Design Frequency: 0 YRS Drainage Area: 0 Acre  
Flood Design Q (CFS): 0  
Flood Design Nat H W E: 0  
Flood Des Open Prop: 0 SF Flood Base Q (CFS): 0  
Flood Base Nat H W E: 0

Proposed Improvement

Cost Estimate Year: 2002 Length: 150  
Type of Work: 31 REPLACEMENT DUE TO SUBSTANDARD CAPACITY OR GEOMETRICS  
Done By: 1 Contract  
Remarks:

\*\*\* Costs in Dollars \*\*\*

Bridge Cost: 194  
Roadway Cost: 19  
Total Project Cost: 292

EXHIBIT A, Page 4

## PRELIMINARY PROJECT COST ESTIMATE

I. Right-of-Way Acquisition (Estimated at 4.0 acres±)	\$10,000.00
II. Construction (See Exhibit II)	\$462,000.00
III. Railroad Flagging	<u>\$10,000.00</u>
	\$482,000.00
10% Contingency	<u>\$48,000.00</u>
Sub-Total	\$530,000.00
IV. Engineering	
a) Surveying (Clay County Highway Department)	\$3,500.00
b) Preliminary Studies (Rhutasel and Associates, Inc.)	\$3,500.00
c) Design (Rhutasel and Associates, Inc.)	\$37,000.00
d) Construction Layout / Inspection (Clay County Highway Department)	\$20,000.00
e) Misc. Construction Services ( Rhutasel and Associates, Inc.)	<u>\$1,000.00</u>
Total	<u>\$595,000.00</u>

## PROPOSED PROJECT FUNDING

Grade Crossing Protection Funds	60% of Total	\$357,000.00
Township Bridge Program Funds	80% of 40% = 32% of Total	\$190,400.00
Railroad and Local Agency	8% of Total	<u>\$47,600.00</u>
TOTAL FUNDING		<u>\$595,000.00</u>

Date: 01-17-02

By: Gary L. Hahn, P.E., S.E.

Reviewed By: Gary D. Wenthe, P.E.

### **EXHIBIT I**

RHUTASEL and ASSOCIATES, INC.  
Consulting Engineers • Land Surveyors  
Centralia / Freeburg, Illinois

CLAY COUNTY, ILLINOIS  
OSKALOOSA ROAD DISTRICT  
TR 149 OVER CNIC RR  
SECTION 96-08119-01-BR

*ICC EXHIBIT B, Page 1*

**PRELIMINARY COST ESTIMATE  
FOR PROPOSED GRADE SEPARATION BRIDGE STRUCTURE  
AND APPROACH ROADWAYS**

Code No.	Item	Unit	Quantity	Unit Price	Total
Z0048665	Railroad Protective Liability Insurance	L Sum	1	\$6,000.00	\$6,000.00
20100500	Tree Removal, Acres	Acre	1.5	\$3,000.00	\$4,500.00
20200100	Earth Excavation	Cu Yd	1000	\$6.00	\$6,000.00
20500150	Embankment	Cu Yd	15000	\$5.00	\$75,000.00
20700110	Porous Granular Embankment	Ton	95	\$20.00	\$1,900.00
25001000	Seeding, Class 2 (Special)	Acre	1.5	\$2,500.00	\$3,750.00
28100807	Stone Dumped Riprap, Class A4	Ton	500	\$25.00	\$12,500.00
28200100	Filter Fabric For Use With Riprap	Sq Yd	570	\$3.50	\$1,995.00
40200800	Aggregate Surface Course, Type B	Ton	1420	\$20.00	\$28,400.00
50100100	Removal of Existing Structures	Each	1	\$10,000.00	\$10,000.00
50200100	Structure Excavation	Cu Yd	750	\$5.50	\$4,125.00
50300225	Concrete Structures	Cu Yd	150	\$470.00	\$70,500.00
50400505	Precast Prestressed Concrete Deck Beams (27" Depth)	Sq Ft	3744	\$39.00	\$146,016.00
50800105	Reinforcement Bars	Pound	19000	\$1.00	\$19,000.00
50901305	Steel Railing, Type S1 (Special)	Foot	312	\$75.00	\$23,400.00
51201600	Furnishing Steel Piles, HP 12x53	Foot	400	\$35.00	\$14,000.00
51202700	Driving Steel Piles	Foot	400	\$2.00	\$800.00
51500100	Name Plates	Each	1	\$300.00	\$300.00
54213669	Precast Reinforced Concrete Flared End Section 24"	Each	8	\$500.00	\$4,000.00
542A0229	Pipe Culverts, Class A, Type 1, 24"	Foot	90	\$45.00	\$4,050.00
63000000	Steel Plate Beam Guard Rail, Type A	Foot	750	\$16.00	\$12,000.00
63100075	Traffic Barrier Terminal, Type 5A	Each	4	\$650.00	\$2,600.00
63100167	Traffic Barrier Terminal, Type 1 Special (Tangent)	Each	4	\$2,450.00	\$9,800.00
66600105	Furnishing and Erecting Right-of-Way Markers	Each	12	\$75.00	\$900.00
78201000	Terminal Marker-Direct Applied	Each	4	\$40.00	\$160.00
					\$0.00
					\$0.00
					\$0.00
				<b>Total</b>	<b>\$461,696.00</b>

Note: Pay Items and Quantities shown are subject to change during final design.

**SAY \$462,000.00**

Date: 01-17-02

By: Gary L. Hahn, P.E., S.E.

Reviewed By: Gary D. Wenthe, P.E.

RHUTASEL and ASSOCIATES, INC.  
Consulting Engineers • Land Surveyors  
Centralia / Freeburg, Illinois

**EXHIBIT II**

CLAY COUNTY, ILLINOIS  
OSKALOOSA ROAD DISTRICT  
TR 149 OVER CNIC RR  
SECTION 96-08119-01-BR